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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,708	06/09/2000	Stuart J. Jacobs	00-8010	2685

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VERIZON  
PATENT MANAGEMENT GROUP  
1515 N. COURTHOUSE ROAD  
SUITE 500  
ARLINGTON, VA 22201-2909

EXAMINER
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HA, LEYNNA.A

ART UNIT	PAPER NUMBER
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2135

NOTIFICATION DATE	DELIVERY MODE
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06/08/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/591,708

Applicant(s)

JACOBS ET AL.

Examiner

LEYNNA T. HA

Art Unit

2135

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 22 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, ~~the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.~~  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-6 and 8-22.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because: claims 1-6 and 8-22 remains rejected in view of the Sudia and Boebert combination.

Examiner will not address the argument on pg.2 because the argument is referring to office action dating back 5/24/2006 and that examiner's response to arguments are irrelevant to the previous office rejection. Thus, examiner responds to arguments below focuses on the previous office action mailed on 3/22/2007.

Per the argument on pg.3:

Examiner traverses applicant's argument that the smart card is secure for it includes a crypto unit. Sudia teaches unsecured areas at desk-top computers or terminals where each computer includes a card reader for reading a smart card (col.8, lines 22-25). The smart card alone is not the node but once inserted within the node refers to the claimed node which is not secured. Thus, the smart card functioning within the desk-top computer is considered an unsecured computer.

Per the argument on pgs. 4-5:

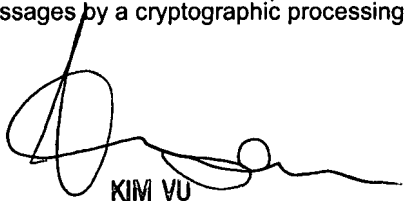
Applicant brought up that the last office action indicated that the smart card or signing device is not being referred as a node or vault or message server. The claimed invention recites a cryptographic processing component located within the network node and also claims the node which is not secured. The examiner refers Sudia's unsecured desk-top computer that includes a card reader and the smart card is located within this computer as the claimed node which is not secured (col.8, lines 22-25). The smart card is the claimed cryptographic processing component that is located within the unsecured computer/node. Thus, the smart card alone is not being referred as the claimed node which is not secured. Sudia's unsecured desk-top computer (node not secured) that includes a card reader and the smart card (cryptographic processing component) located within the computer (node not secured) is referring to the claimed node which is not secured.

Applicant stated that examiner contradicts the smart card as being not secure when it really is secure because Sudia discloses the smart card is tamper resistant. However, examiner have established the smart card alone is not referring to the claimed "node which is not secure", but rather the computer including the smart card is the unsecure node. Further, according to the claimed invention, "set of messages for processing by a cryptographic processing component located within the network node" suggests there is some form of security (i.e. cryptography, encryption/decryption) involved with this node that is not supposed to be secure as claimed. Thus, it is the claim language contradicting to applicant's argument that Sudia's smart card in the node is tamper resistant which takes on a degree of security. Sudia's unsecured node with the smart card corresponds to the claimed processing by a cryptographic processing component located within the network node where the node which is not secured.

The claimed invention recites: executing an application program at the node which is not secured; receiving an input requiring cryptographic -related processing; and generating a message via the application program....set of messages for processing by a cryptographic processing component located within the network node.

The claims broadly suggests starting out attempting to execute an application at an unsecure node but then requires cryptographic processing which involves encryption/decryption by a component located within the same network node that was considered unsecured. Further, the claimed broadly suggests that executing an application at the node prior to or without cryptographic processing is obviously not protected, which makes sense that the node is not secured. In the ordinary skills of the network security art, a person walking up to a computer attempting to execute or send an application without proper authentication/authorization or encryption is not protected and will lead to unforeseen security problems. Thus, initial unprotected executing of an application is at a node that is not secured until proper authentication or encryption occurs. This broad interpretation can reasonably correspond with the claimed invention because the claimed invention involves some degree of security as well. Else, cryptographic processing as claimed is not need for executing an application if applicant's intention is to remain unprotected or not secured.

In addition, Sudia is combined with Boebert to teach the obviousness to the claimed invention reciting executing at an unsecured node. Boebert teaches a method and apparatus for ensuring secure communications over an unsecured communications medium between a user working on an unsecured workstation or computer and a host computer where the data transferred is intercepted, encrypted and transmitted in packets to the host computer (col.3, lines 23-30). Boebert teaches there is a need for a mechanism for extending the trusted path from the trusted subsystem of the host computer to the user of an untrusted computer or workstation to provide access to the workstation for normal working station activities while shielding confidential data so that it cannot be read by software executing on the unsecured workstation (col.3, lines 14-19). Thus, it would have been obvious to combine Sudia with Boebert because executing an application program at the node that is not physically secure can still be extended to ensure secure file transfers between an unsecured workstation and a for the trusted computer (col.3, lines 21-42). Therefore, the Sudia and Boebert combination teaches executing at an unsecured node receiving an input requiring cryptographic -related processing that processes messages by a cryptographic processing component located within the network node as claimed.

  
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